



# PUBLIC NOTICE

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## THE WIRELESS TELECOMMUNICATIONS BUREAU AND MEDIA BUREAU ANNOUNCE NEW E-MAIL ADDRESS AND PROCEDURES FOR ELECTRONIC and NON-ELECTRONIC SUBMISSIONS OF SECTION 106 INFORMATION TO THE COMMISSION UNDER THE NATIONWIDE PROGRAMMATIC AGREEMENT

On October 5, 2004, the Federal Communications Commission (“Commission”) released a *Report and Order* revising its rules to implement the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (“Nationwide Agreement”).<sup>1</sup> The Nationwide Agreement streamlines procedures for review of certain Commission undertakings for communications facilities under Section 106 of the National Historic Preservation Act of 1966.<sup>2</sup> The rule change requiring compliance with the Nationwide Agreement goes into effect on March 7, 2005.<sup>3</sup>

In the *Report and Order*, the Commission delegated to the operating Bureaus authority to promulgate procedures regarding the submission of certain Section 106 materials to the Commission. We hereby establish the following procedures for submitting such information.

### **Procedures for No Adverse Effect Determinations**

Section VII, Procedures, of the Nationwide Agreement requires Applicants to file with the Commission the complete Submission Packet if the SHPO/THPO does not provide written notice to the Applicant that it agrees or disagrees with the Applicant’s determination of no adverse effect on historic properties within thirty (30) days following the SHPO/THPO’s receipt of a complete Submission Packet.<sup>4</sup> The SHPO/THPO is presumed to have concurred with the Applicant’s determination if there is no response. The Section 106 process shall then be complete unless the Commission notifies the Applicant otherwise within 15 days after the Commission receives the Submission Packet and accompanying material electronically or 25 days after the Commission receives this material by other means. The procedures for submitting this material are as follows:

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<sup>1</sup> Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, WT Docket No. 03-128, *Report and Order*, FCC 04-222 (rel. Oct. 5, 2004), *Final Rule*, 70 Fed. Reg. 556 (Jan. 4, 2005). Rule changes will go into effect on March 7, 2005.

<sup>2</sup> See 16 U.S.C. § 470f.

<sup>3</sup> Among other things, the Nationwide Agreement requires Commission applicants to use new FCC Forms 620 (new towers) and 621 (collocations) to submit Section 106 material to State Historic Preservation Offices (SHPO) or Tribal Historic Preservation Offices (THPO). Among other things, the Nationwide Agreement requires FCC Forms 620 (new towers) and 621 (collocations) are available at <http://www.fcc.gov/formpage.html>.

<sup>4</sup> This procedure applies only to determinations of no adverse affect. If the SHPO/THPO does not provide written notice to the Applicant that it agrees or disagrees with the Applicant’s determination of no effect on historic properties within thirty (30) days following the SHPO/THPO’s receipt of a complete Submission Packet, no submission to the Commission is necessary. See Nationwide Agreement, § VII.B.2.

1. The Applicant shall forward a copy of its Submission Packet to the Commission, together with all correspondence with the SHPO/THPO and any comments or objections received from the public.
2. An Applicant can submit its Submission Packet to the Commission electronically by accessing <http://esupport.fcc.gov/contactfcc/section106/submittmsg.jsp>. The site will provide an e-mail box for submitting materials.
3. In the alternative, an Applicant can submit a hard copy of its Submission Packet to the Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Washington, DC 20554.
4. The e-mail subject line or cover letter, if filed on paper, should indicate: a) Section 106 submission; b) the type of facility (i.e. wireless or media); c) applicant name, and d) city/state.
5. The e-mail or cover letter should include in its text: a) a statement that the filing involves a no adverse effect determination; b) the date submitted to the SHPO/THPO; c) applicant name; d) contact name with e-mail address; e) tower location; and f) a statement that the SHPO/THPO has been notified of the filing at the Commission.
6. E-mail attachments (i.e. FCC Form 620 or 621 and any additional materials) are limited to 25 MB. Applicants must submit attachments in Portable Document Format (.pdf). The attached instructions explain how to e-mail attachments larger than 25 MB.

We encourage Applicants to file their Submission Packets electronically and take advantage of the shorter review period. When the application is filed electronically, the Applicant will receive an e-mail automatically from the Commission showing the Commission's receipt date. Applicants can begin counting 15 calendar days from the receipt date shown in the e-mail. If an Applicant chooses to file a hard copy, the Applicant will receive an e-mail showing the receipt date of the filing at the Secretary's office. Applicants can begin counting 25 calendar days from the receipt date shown in the e-mail.

#### **Procedures for submitting disagreements between an Applicant and a SHPO/THPO**

Section VII, Procedures, of the Nationwide Agreement allows an Applicant at any time to submit a matter to the Commission for resolution, if the SHPO/THPO and Applicant can not resolve their disagreement over an Applicant's determination on historic properties. The procedures for submission are outlined below:

1. The Applicant shall forward a copy of its Submission Packet to the Commission, together with all correspondence with the SHPO/THPO and any comments or objections received from the public.
2. An Applicant can submit its Submission Packet to the Commission electronically by sending it to <http://esupport.fcc.gov/contactfcc/section106/submittmsg.jsp>.
3. In the alternative, an Applicant can submit a hard copy of its Submission Packet to the Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Washington, DC 20554.
4. The e-mail subject line or cover letter, if filed on paper, should indicate: a) type of facility (i.e. wireless or media); b) applicant name; and c) city/state.
5. The e-mail or cover letter should include in its text: a) Applicant's determination and disagreement with the SHPO/THPO; b) the date submitted to the SHPO/THPO; c) applicant name; d) contact name with e-mail address; e) tower location; and f) a statement that the SHPO/THPO has been notified of the filing at the Commission.
6. E-mail attachments (i.e. FCC Form 620 or 621 and any additional materials) are limited to 25 MB. Applicants must submit attachments in Portable Document Format (.pdf). The attached instructions explain how to e-mail attachments larger than 25 MB.

The staff of the Wireless Telecommunications Bureau or Media Bureau will review any submission.

## **Procedures for Submitting Inquiries to the Commission**

General or specific inquiries about the Nationwide Agreement can be submitted to, the Commission through the following webpage: <http://esupport.fcc.gov/npa/submitquery.jsp>.

For further information, please contact:

Dan Abeyta at 202-418-1538 or [dan.abeyta@fcc.gov](mailto:dan.abeyta@fcc.gov) (Wireless facilities).

David Roberts at 202-418-1618 or [david.roberts@fcc.gov](mailto:david.roberts@fcc.gov) (Television facilities).

Michael Wagner at 202-418-2700 or [michael.wagner@fcc.gov](mailto:michael.wagner@fcc.gov) (Radio facilities).

### **Section 106 Submission FCC Forms 620 or 621: E-mail Attachment Information**

#### **File Size Limitations**

Attachment files (including the FCC Form and any materials) are limited to a maximum size of 25 megabytes (MB).

#### **Files Larger than 25 MB**

Applicants can compress the file to 25 MB in one e-mail.

Files larger than 25 MB may be split into smaller files and sent in separate e-mails. If submitting in separate parts:

- For each additional file, the e-mail subject line should indicate: a) Applicant name; b) the type of facility (i.e. wireless or media); c) city/state; d) Part 1 of \_\_.
- For each additional file, attach Page 1 of the FCC Form and type or write on the upper right corner of Page 1 of the FCC Form (“Part 1 of \_\_”, “Part 2 of \_\_”, etc.).
- For each e-mail, you will receive an automatic response.

#### **Acceptable File Types**

Transmit files in Portable Document Format (.pdf).